since the removal of the Cause requesting the Co-operation of the prisoner in the appointment of a Judge & the speedy trial of the Cause - A discussion then arose between the Counsel on both sides, in the Course of which the prisoners Counsel declined to Concur in the selection of a Judge on various grounds

Among other reasons it was distinctly stated that no Judge Could be appointed by any existing law, for the trial of this Cause - that the act of 1852 ch 68, passed to carry into effect viz 2nd section of Article 4 of the Constitution did not authorise the Clerk of a Court into which an Indictment was removed, to give notice specified in the second section of that act, in order that the Judge of the adjoining District might (on the failure of the parties to name a Judge by Consent) proceed to nominate a Judge Clothed with power to try the Cause - In other words it was openly proclaimed that the second section of the act of 1852 ch 68 only applied to the case while pending in Allegheny County - To this we replied, that the second section applies to any Indictment in any other County Court, as well as in that where it originated - That this Case was to be Considered in Washington County Court as a case de novo except so far as the Indictment and arraignment in the Record as transmitted, & that Judge Perry was now to be Considered for the first time as disqualified in his Character of Judge for Washington County Court & the same proceedings must be had in this last Court to obtain a Judge, as might have been had in Allegheny - I have no doubt of the soundness of the view taken by the State but I submit to your Excellency the propriety of further legislation to remove all further doubt or difficulty upon grounds so technical - It would be a reproach to the State of Maryland if a prisoner Could not be brought to trial before a legal Judge because the State to avoid an unfair jury, has exercised its undoubted Constitutional right of removing the Cause on affidavit of the State Attorney, as authorized in every Criminal Case, by the 28 Sect of Art 4 of the Constitution - Such a defect in the Act of 1852 if judicially pronounced, would be a reflection on the legislative wisdom which passed that law & would emancipate without trial, a party Charged with a Capital Crime - I repeat that I do not believe the act of 1852 ch 68 to be so defective, but it is not better to save trouble & expense to the State, by a new litigation of the question in the Court of Appeals if a Conviction should be had & the life of a Citizen sued out by the prisoner?

Is it not most expedient for the legislature at once